
HOUSE BILL 2441

State of Washington

57th Legislature

2002 Regular Session

By Representatives Crouse, Morris, DeBolt, Wood, Berkey, Bush, Hunt, Ruderman, Delvin, Esser, Anderson and Pflug

Read first time 01/17/2002. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to amending the authority and duties of the joint
2 committee on energy supply; and amending RCW 44.39.070 and 43.21G.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 44.39.070 and 1977 ex.s. c 328 s 18 are each amended
5 to read as follows:

6 (1) The committee shall ((only)) meet and function at the following
7 times: (a) At least once per year to receive information related to
8 the state or regional energy supply situation; (b) during a condition
9 of energy supply alert or energy emergency; and (c) upon the call of
10 the chair, in response to gubernatorial action to terminate such a
11 condition. Upon the declaration by the governor of a condition of
12 energy supply alert or energy emergency, the committee on energy ((and
13 utilities)) supply shall meet to receive any plans proposed by the
14 governor for programs, controls, standards, and priorities for the
15 production, allocation, and consumption of energy during any current or
16 anticipated condition of energy supply alert or energy emergency, any
17 proposed plans for the suspension or modification of existing rules of
18 the Washington Administrative Code, and any other relevant matters the
19 governor deems desirable. The committee shall review such plans and

1 matters and shall transmit its recommendations to the governor for
2 review. The committee (~~shall~~) may review any voluntary programs or
3 local or regional programs for the production, allocation, or
4 consumption of energy which have been submitted to the committee.

5 (2) The committee shall receive any request from the governor for
6 the approval of a declaration of a condition of energy emergency as
7 provided in RCW 43.21G.040 as now or hereafter amended and shall either
8 approve or disapprove such request.

9 (3) During a condition of energy supply alert, the committee shall:
10 (a) Receive any request from the governor for an extension of the
11 condition of energy supply alert for an additional (~~sixty~~) period of
12 time not to exceed ninety consecutive days and the findings upon which
13 such request is based; (b) receive any request from the governor for
14 subsequent extensions of the condition of energy supply alert for an
15 additional period of time not to exceed one hundred twenty consecutive
16 days and the findings upon which such a request is based; and (~~shall~~)
17 (c) either approve or disapprove such requests. When approving a
18 request, the committee shall specify the period of time for which the
19 extension is approved.

20 (4) During a condition of energy emergency the committee shall:
21 (a) Receive any request from the governor for an extension of the
22 condition of energy emergency for an additional period of time not to
23 exceed forty-five consecutive days and the finding upon which any such
24 request is based; (b) receive any request from the governor for
25 subsequent extensions of the condition of energy emergency for an
26 additional period of time not to exceed sixty consecutive days and the
27 findings upon which such a request is based; and (~~shall~~) (c) either
28 approve or disapprove such requests. When approving a request, the
29 committee shall specify the period of time for which the extension is
30 approved.

31 **Sec. 2.** RCW 43.21G.040 and 1987 c 505 s 83 are each amended to
32 read as follows:

33 (1) The governor may subject to the definitions and limitations
34 provided in this chapter:

35 (a) Upon finding that an energy supply alert exists within this
36 state or any part thereof, declare a condition of energy supply alert;
37 or

1 (b) Upon finding that an energy emergency exists within this state
2 or any part thereof, declare a condition of energy emergency. A
3 condition of energy emergency shall terminate thirty consecutive days
4 after the declaration of such condition if the legislature is not in
5 session at the time of such declaration and if the governor fails to
6 convene the legislature pursuant to Article III, section 7 of the
7 Constitution of the state of Washington within thirty consecutive days
8 of such declaration. If the legislature is in session or convened, in
9 accordance with this subsection, the duration of the condition of
10 energy emergency shall be limited in accordance with subsection (3) of
11 this section.

12 Upon the declaration of a condition of energy supply alert or
13 energy emergency, the governor shall present to the committee any
14 proposed plans for programs, controls, standards, and priorities for
15 the production, allocation, and consumption of energy during any
16 current or anticipated condition of energy emergency, any proposed
17 plans for the suspension or modification of existing rules of the
18 Washington Administrative Code, and any other relevant matters the
19 governor deems desirable. The governor shall review any
20 recommendations of the committee concerning such plans and matters.

21 Upon the declaration of a condition of energy supply alert or
22 energy emergency, the emergency powers as set forth in this chapter
23 shall become effective only within the area described in the
24 declaration.

25 (2) A condition of energy supply alert shall terminate ninety
26 consecutive days after the declaration of such condition unless:

27 (a) Extended by the governor upon issuing a finding that the energy
28 supply alert continues to exist, and with prior approval of such an
29 extension by the committee; or

30 (b) Extended by the governor based on a declaration by the
31 president of the United States of a national state of emergency in
32 regard to energy supply; or

33 (c) Upon the request of the governor, extended by declaration of
34 the legislature by concurrent resolution of a continuing energy supply
35 alert.

36 ~~((In the event any such initial extension is implemented, the
37 condition shall terminate one hundred and fifty consecutive days after
38 the declaration of such condition. One or more subsequent extensions
39 may be implemented through the extension procedures set forth in this~~

1 subsection. In the event any such subsequent extension is implemented,
2 the condition shall terminate sixty consecutive days after the
3 implementation of such extension.))

4 An initial extension of an energy supply alert approved and
5 implemented under this subsection shall be for a specified period of
6 time not to exceed ninety consecutive days after the expiration of the
7 original declaration. Any subsequent extensions shall be for a
8 specified period of time not to exceed one hundred twenty consecutive
9 days after the expiration of the previous extension.

10 (3) A condition of energy emergency shall terminate forty-five
11 consecutive days after the declaration of such condition unless:

12 (a) Extended by the governor upon issuing a finding that the energy
13 emergency continues to exist, and with prior approval of such an
14 extension by the committee; or

15 (b) Extended by the governor based on a declaration by the
16 president of the United States of a national state of emergency in
17 regard to energy supply; or

18 (c) Upon the request of the governor, extended by declaration of
19 the legislature by concurrent resolution of a continuing energy
20 emergency.

21 ((In the event any such initial extension is implemented, the
22 condition shall terminate ninety consecutive days after the declaration
23 of such condition. One or more subsequent extensions may be
24 implemented through the extension procedures set forth in this
25 subsection. In the event any such subsequent extension is implemented,
26 the condition shall terminate forty five consecutive days after the
27 implementation of such extension.))

28 An initial extension of an energy emergency approved and
29 implemented under this subsection shall be for a specified period of
30 time not to exceed forty-five consecutive days after the expiration of
31 the original declaration. Any subsequent extensions shall be for a
32 specified period of time not to exceed sixty consecutive days after the
33 expiration of the previous extension.

34 (4) A condition of energy supply alert or energy emergency shall
35 cease to exist upon a declaration to that effect by either of the
36 following: (a) The governor; or (b) the legislature, by concurrent
37 resolution, if in regular or special session: PROVIDED, That the
38 governor shall terminate a condition of energy supply alert or energy
39 emergency when the energy supply situation upon which the declaration

1 of a condition of energy supply alert or energy emergency was based no
2 longer exists.

3 (5) In a condition of energy supply alert, the governor may, as
4 deemed necessary to preserve and protect the public health, safety, and
5 general welfare, and to minimize, to the fullest extent possible, the
6 injurious economic, social, and environmental consequences of such
7 energy supply alert, issue orders to: (a) Suspend or modify existing
8 rules of the Washington Administrative Code of any state agency
9 relating to the consumption of energy by such agency or to the
10 production of energy, and (b) direct any state or local governmental
11 agency to implement programs relating to the consumption of energy by
12 the agency which have been developed by the governor or the agency and
13 reviewed by the committee.

14 (6) In addition to the powers in subsection (5) of this section, in
15 a condition of energy emergency, the governor may, as deemed necessary
16 to preserve and protect the public health, safety, and general welfare,
17 and to minimize, to the fullest extent possible, the injurious
18 economic, social, and environmental consequences of such an emergency,
19 issue orders to: (a) Implement programs, controls, standards, and
20 priorities for the production, allocation, and consumption of energy;
21 (b) suspend and modify existing pollution control standards and
22 requirements or any other standards or requirements affecting or
23 affected by the use of energy, including those relating to air or water
24 quality control; and (c) establish and implement regional programs and
25 agreements for the purposes of coordinating the energy programs and
26 actions of the state with those of the federal government and of other
27 states and localities.

28 (7) The governor shall provide the committee with reasonable
29 notice, if practicable, when the governor is considering declaring a
30 condition of energy supply alert or energy emergency. The governor
31 shall immediately transmit the declaration of a condition of energy
32 supply alert or energy emergency and the findings upon which the
33 declaration is based and any orders issued under the powers granted in
34 this chapter to the committee. The governor shall provide the
35 committee with at least fourteen days' notice when requesting an
36 extension of a condition of energy supply alert or energy emergency.

37 (8) Nothing in this chapter shall be construed to mean that any
38 program, control, standard, priority or other policy created under the
39 authority of the emergency powers authorized by this chapter shall have

1 any continuing legal effect after the cessation of the condition of
2 energy supply alert or energy emergency.

3 (9) If any provision of this chapter is in conflict with any other
4 provision, limitation, or restriction which is now in effect under any
5 other law of this state, including, but not limited to, chapter 34.05
6 RCW, this chapter shall govern and control, and such other law or rule
7 (~~(or regulation promulgated)~~) issued thereunder shall be deemed
8 superseded for the purposes of this chapter.

9 (10) Because of the emergency nature of this chapter, all actions
10 authorized or required hereunder, or taken pursuant to any order issued
11 by the governor, shall be exempted from any and all requirements and
12 provisions of the state environmental policy act of 1971, chapter
13 43.21C RCW, including, but not limited to, the requirement for
14 environmental impact statements.

15 (11) Except as provided in this section nothing in this chapter
16 shall exempt a person from compliance with the provisions of any other
17 law, rule, or directive unless specifically ordered by the governor.

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